
DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION

SEPTEMBER 26, 2011

CONFERENCE ROOM 12, CITY HALL

6:05 P.M.

PRESENT: Mayor Kiss; City Council President Keogh; Councilors Dober, Brennan, Wright, Paul, Blais, Bushor, Mulvaney-Stanak, Decelles, Berezniak, Kranichfeld and Shannon

ALSO PRESENT: Interim CAO Schrader, Amber Thibeault, Stephen Barraclough, Burlington Telecom; Joe Reinert, Mayor's Office; City Attorney Schatz; Senior Assistant City Attorney Bergman; Thomas Melloni, Burak, Anderson and Melloni; Mark Healt, Jennifer McDonald, Terry Dorman, and Mike Bucak

ABSENT: Councilors Adrian and Hartnett

1. AGENDA

On a motion by Councilors Bushor and Mulvaney-Stanak, the agenda was adopted as is.

2. COMMUNICATION: Ken Schatz, City Attorney, re: Burlington Telecom (oral)

On a motion by Councilors Bushor and Mulvaney-Stanak, the Special City Council Work Session voted unanimously to go into executive session at 6:07 p.m., to discuss Burlington Telecom, premature disclosure of which would place the City at a substantial disadvantage.

On a motion by Councilors Bushor and Mulvaney-Stanak, the Special City Council Work Session voted unanimously to go out of executive session at 7:02 p.m.

3. ADJOURNMENT

On a motion by Councilors Bushor and Mulvaney-Stanak, the Special City Council Work Session voted unanimously to adjourn at 7:02 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary

LOCAL CONTROL COMMISSION

SEPTEMBER 26, 2011

CONTOIS AUDITORIUM, CITY HALL

7:13 P.M.

PRESENT: City Council President Keogh; Commissioners Dober, Brennan, Wright, Paul, Blais, Bushor, Mulvaney-Stanak, Decelles, Berezniak, Kranichfeld, Shannon, Adrian and Hartnett and Mayor Kiss (arrived at 7:17 pm).

CITY ATTORNEY'S OFFICE: Ken Schatz and Gene Bergman (arrived at 8:03 p.m.)

CLERK/TREASURER'S OFFICE: Rich Goodwin, Scott Schrader and Lori Olberg

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

Commissioner Dober corrected a spelling error to a business name on the agenda.

On a motion by Commissioners Dober and Berezniak, the agenda was adopted as amended.

2. CONSENT AGENDA

Commissioner Bushor inquired about a note on Mr. Mike's application regarding crowd control. Commissioner Dober stated they would be required to have a crowd control person on staff. The letter had not yet been signed and the application would not be sent to the State until all conditions were met.

Commissioner Hartnett inquired if the owner of T. Rugg's Tavern was aware of the stipulations. Commissioner Dober stated Mr. Rugg was aware. Commissioner Hartnett inquired if other establishments had been ticketed for overcrowding. Commissioner Dober stated others had been ticketed but not repetitively each year. A third offense would be considered a criminal offense and Mr. Rugg understood this. Commissioner Hartnett stated it was unusual that only one bar had had problems on St. Patrick's Day each year.

On a motion by Commissioners Dober and Berezniak, the consent agenda was unanimously adopted, thus taking the following actions as indicated:

2.01. FIRST CLASS CABARET LIQUOR LICENSE RENEWAL (2011-2012): T. Rugg's
*waive the reading, accept the communication, place it on file and approve the 2011-2012 1st
Class Cabaret Liquor License Renewal for T. Rugg's Tavern with all pertinent conditions

2.02. OUTSIDE CONSUMPTION PERMIT RENEWAL (2011-2012): T. Rugg's Tavern
*waive the reading, accept the communication, place it on file and approve the 2011-2012
Outside Consumption Permit Renewal for T. Rugg's Tavern with all pertinent conditions

2.03. FIRST CLASS RESTAURANT LIQUOR LICENSE RENEWAL (2011-2012):

Mr. Mike's Pizza

*waive the reading, accept the communication, place it on file and approve the 2011-2012 1st
Class Restaurant Liquor License Renewal for Mr. Mike's Pizza with all pertinent conditions

2.04. EXPANSION OF OUTSIDE CONSUMPTION PERMIT (one day only):

American Flatbread, Thursday, September 29th, 5 p.m.-11p.m., Oktoberfest

*waive the reading, accept the communication, place it on file and approve the one day only
expansion of American Flatbread's outside consumption permit for Thursday, September 29th

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2011-2012):

La Granja LLC d/b/a El Cortijo Taqueria Y Cantina (formerly Sadie Katz Deli), 189 Bank Street

Commissioners Dober and Berezniak made a motion to approve the First Class Restaurant Liquor License Application for El Cortijo Taqueria. The motion passed unanimously.

4. ADJOURNMENT

On a motion by Commissioners Dober and Berezniak, the Local Control Commission voted unanimously to adjourn at 7:17 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary

ADJOURNED MEETING, CITY COUNCIL
MONDAY, SEPTEMBER 26, 2011
7:17 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Shannon and Berezniak the agenda was unanimously adopted, as amended, as follows: note **revised version, namely the correct title** of agenda item 8. RESOLUTION: Diversity and Equity (Councilors Paul, Brennan, Mulvaney-Stanak, Berezniak) and also note line 32 should read as follows: “enhance the lives of Burlington’s minority and **ethnically** diverse communities, and” and line 46 should read as follows: “enhance the lives of and include Burlington’s minority and **ethnically** diverse people of color; and”; note the **proposed** amendments for agenda item 9. RESOLUTION: Development Permitting Review and Performance Audit (Councilors Wright, Paul); note the **proposed** amendments for agenda item 9. RESOLUTION: Development Permitting Review and Performance Audit (Councilors Wright, Paul) and add to the agenda item 10.5. RESOLUTION: Authorization for Execution of Collective Bargaining Agreement Between the City of Burlington Firefighters’ Association, Local 3044 International Association of Firefighters (Board of Finance).

2. PUBLIC FORUM

City Council President Keogh opened the public forum at 7:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Brian Albarelli		Freedom of Speech/Arrest
Wanda Hines	SEIP/Burlington Resident	Diversity and Equity Resolution

There being no one further coming forward and no objection from the remaining Council, City Council President Keogh closed the public forum at 7:40 p.m.

3. CONSENT AGENDA

Councilor Mulvaney-Stanak inquired about the entertainment permit for Mr. Mike’s Pizza having a later time schedule. Councilor Dober stated they got rid of other forms of entertainment and were only running a juke box.

On a motion by Councilors Shannon and Berezniak, the consent agenda was adopted, thus taking the following actions as indicated:

3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List

*waive the reading, accept the communication and place it on file

3.02. COMMUNICATION: Mayor Bob Kiss, re: 2011 Justice Assistance Grant (JAG)

*waive the reading, accept the communication and place it on file

- 3.03. RESOLUTION: Supplemental Budget Resolution # 2011-12 Authorization for Acceptance and Appropriation of 2011 Justice Assistance Grant (JAG) Funding for Crime Prevention Programs (Board of Finance)

*waive the reading and adopt the resolution

- 3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Dobra Tea (Councilors Dober, Blais, Berezniak: License Committee)

*waive the reading and adopt the resolution

- 3.05. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Pho Hong Restaurant (Councilors Dober, Blais, Berezniak: License Committee)

*waive the reading and adopt the resolution

- 3.06. RESOLUTION: Authorization for Execution of Agreements for Engineering Services Related to Removal of Structures Adjacent to Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

- 3.07. RESOLUTION: Authorization to Execute Supplemental Agreement No. 5 to Lease No. DACA51-5-74-480 Related to Lands at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

- 3.08. RESOLUTION: Authorization for Land Purchases and Relocation Services in Anticipation of AIP Grant Funds for Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

- 3.09. RESOLUTION: Authorization to Execute Supplemental Lease Agreement to FAA Lease No. DTFA12-87-L-R1830 Related to FAA Facilities at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

- 3.10. RESOLUTION: Authorization to Execute Lease Agreement No. DTFAEN-12-L-00033 Related to FAA Facilities at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

- 3.11. RESOLUTION: Authorization for Execution of Application for 2011 Municipal Planning Grant Program from the Vermont Department of Economic, Housing and Community Development (Councilor Paul)

*waive the reading and adopt the resolution

- 3.12. INDOOR ENTERTAINMENT PERMIT RENEWAL (2011-2012): T. Rugg's Tavern
*waive the reading, accept the communication, place it on file and approve the 2011-2012 Indoor Entertainment Permit Renewal for T. Rugg's Tavern with all pertinent conditions

- 3.13. INDOOR ENTERTAINMENT PERMIT RENEWAL (2011-2012): Mr. Mike's Pizza
*waive the reading, accept the communication, place it on file and approve the 2011-2012 Indoor Entertainment Permit Renewal for Mr. Mike's Pizza with all pertinent conditions

- 3.14. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Bangkok Bistro, Private Part, Saturday, September 17, 2011, 11 p.m. – 2 a.m., DJ/Dancing

*waive the reading, accept the communication, place it on file and ratify the one day only Special Event Indoor Entertainment Permit Application for Bangkok Bistro

3.15. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance June 27, 2011 Minutes

*waive the reading, accept the communication and place it on file

3.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance July 6, 2011 Minutes

*waive the reading, accept the communication and place it on file

3.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance July 11, 2011 Minutes

*waive the reading, accept the communication and place it on file

3.18. COMMUNICATION: Amy J. Bovee, Executive Secretary to the CAO and Lori Olberg, Licensing, Voting and Records Coordinator, re: Minutes, Regular City Council, June 27, 2011 Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the October 3, 2011 City Council Meeting

3.19. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy J. Bovee, Executive Secretary, re: Minutes, Regular City Council, July 11, 2011 Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the October 3, 2011 City Council Meeting

3.20. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary to the CAO, re: Minutes, Special City Council Meeting, June 20, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 26, 2011 City Council Meeting

3.21. COMMUNICATION: Bob Kiss, Mayor to Paul Dettman, Executive Director, Burlington Housing Authority, re: Commission Appointment

*waive the reading, accept the communication and place it on file

3.22. COMMUNICATION: Carleen Lehouiller, re: Tax Reduction to Seniors

*waive the reading, accept the communication, place it on file and refer to the Board of Finance for further consideration

3.23. COMMUNICATION: Todd Thomas, Alternate Member, Design Advisory Board, Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy (already did) and send a congratulatory letter (already did) to Todd Thomas for his Full Member Design Advisory Board Appointment

3.24. COMMUNICATION: Margaret Poirier, Clerk BRV, re: Summer Update September 15, 2011

*waive the reading, accept the communication and place it on file

3.25. COMMUNICATION: Elisabeth Mickenberg, Chair, Board for Registration of Voters to The Honorable James Condos, Secretary of State, re: 2011 Biennial Checklist Purge

*waive the reading, accept the communication and place it on file

- 3.26. COMMUNICATION: Lynn C. Bahrenburg – US Federal – State-Sponsored Domestic Terrorism Crime Victim, re: Human Test Subject (placed at Councilors' tables on September 12, 2011)

*waive the reading, accept the communication and place it on file

- 3.27. COMMUNICATION: Kesha Ram, State Representative, re: Disappointed in the Mayor's Veto of the Community Standards for Climate Change Partnerships (Public Forum on September 12, 2011)

*waive the reading, accept the communication and place it on file

- 3.28. COMMUNICATION: Public Safety Committee, re: Fluoridation Referral from 2009

*waive the reading, accept the communication and place it on file

- 3.29. COMMUNICATION: City Council Rules Committee: Councilor Bill Keogh, Councilor Sharon Bushor, Councilor Kurt Wright, re: Proposed Amendments to City Council Rules

*waive the reading, accept the communication, place it on file, discuss at the October 3, 2011 City Council Meeting with action taking place at the October 17, 2011 City Council Meeting

4. PUBLIC HEARING: Consolidated Annual Performance & Evaluation Report

Margaret Bozik, CEDO, explained to the Council that this hearing was in regards to the Annual Performance Report for funding the City received under two grants. She stated there would be a public forum regarding the future of block grants due to federal cuts.

Councilor Shannon inquired about a section of the report regarding zoning variances. Margaret Bozik stated she did not have the answer to that question.

Councilor Bushor asked about the event being held about the future of block grants and if CEDO would be working to protect the neighborhood component of the grant. Ms. Bozik stated that she was unable to answer if that was the specific intent. However, she agreed that CDBG money was valuable and she personally saw the value in those projects. Larry Kupferman, Director of CEDO, stated one proposal from the House Funding Subcommittee was to reduce the administrative fee drawn from the grants from 20% to 10% which would reduce CEDO's ability to administer awards. Councilor Bushor inquired about the CDBG funding chart. Ms. Bozik stated the House committee recommended level funding with a 10% administrative fee and the Senate recommended a 15% cut to funding with the administrative fee to remain at 20%.

Councilor Bushor then asked about a reference to the gross receipts sales tax in the report, asking whether those numbers were increasing. Interim CAO Schrader stated that on a period-by-period comparison the City was doing better.

Councilor Dober inquired about an ad on the radio regarding affordable housing in Burlington. Mr. Kupferman stated he was not familiar with the ad.

City Council President Keogh opened the public hearing at 7:30 p.m.

There being no one coming forward and no objection from the remaining Council, City Council President Keogh closed the public hearing at 7:30 p.m.

Councilor Shannon inquired if there would be an opportunity to change the document before the next meeting. Ms. Bozik stated the document would not be changed but comments and responses could be incorporated into the document.

- 4.01. COMMUNICATION: Margaret Bozik, Assistant Director for Community Development, CEDO, re: Consolidated Annual Performance & Evaluation Report

Without objection, City Council President Keogh made a motion to waive the reading, accept the communication and place it on file.

5. REPORT: Richard Cate, Vice President of Finance and Administration, UVM, re: Housing Agreement Report Between the University and the City

Richard Cate, Vice President of Finance and Administration at UVM, was present to answer questions from Councilors. Councilor Bushor noted ongoing discussion related to the issues of noise and fireworks. She inquired about enrollment numbers and number of beds from the Fall of 2009, Fall of 2010 and Fall of 2011 and commitments made in this regard. Mr. Cate handed out the data. Councilor Bushor stated that students move off campus because drinking was not allowed on campus, that they preferred different styles of housing, and also because it was more affordable. She stated Community Coalition was the appropriate place for discussion to take place and inquired if any additional funds or resources had gone to this coalition. Mr. Cate stated there were now 84 more students in the last two years. 163 beds were opened in McCauley Hall and 403 additional beds were currently being built on Redstone campus. He stated they were ahead of where the agreement required them to be. This year there was only one additional student and enrollment had leveled off. In response to Councilor Bushor, Mr. Cate stated there had been no additional funds allocated to Community Coalition.

Mr. Cate then stated the cost of on-campus housing was lower than it was at comparable institutions and there was no profit from housing. Councilor Bushor stated there needed to be more incentives to stay on campus to relieve the affordability of housing in Burlington and that neighborhoods needed to be more mixed.

Councilor Adrian thanked Alicia Taylor and Gail Champnois from UVM's Office of Student Community Relations for their good work, but stated their work had not solved the problems. He stated that UVM had a responsibility to do more to alleviate these issues. He mentioned that administrative salaries were very high and could be put toward housing, which made it appear to the community that UVM was not taking their concerns seriously.

At City Council President Keogh's request, Councilor Shannon made a motion to continue debate for an additional ten minutes. The motion passed unanimously.

Councilor Decelles stated the University had made headway and the community needed to remember that the University of Vermont was an asset to the City and to the local economy.

Councilor Shannon stated she had heard concerns regarding noise in the South end. Housing stock was slowly turning to student rentals. She stated students do not necessarily behave badly, but their lives were on a different schedule than families and it could be disruptive. She stated the University should push to build more housing because it was extremely lucrative for landlords to rent to students than families, increasing the disruption to neighborhoods. While agreeing with Councilor Decelles, she stated the housing issue was one of concern to her.

Councilor Wright inquired about impediments the University faced when building housing and what the City could do to help. He believed that UVM was doing a better job and had worked to be responsible, but more efforts still needed to be made. Mr. Cate stated the current project had gone smoothly but it takes a long time to build anything. In the future, it would be important to consider how to have additional projects like Redstone Lofts that are on the fringe of campus. He explained that students find apartment style housing attractive. However, it was easier to build dormitory style housing.

Councilor Mulvaney-Stanak inquired if the University had results from research regarding how many students live off-campus and where they live. She asked how UVM would use this information, particularly if more resources were not being allocated to improving town/gown relations. Mr. Cate stated it would be used to analyze trends. The research would look at how many students were living in Burlington compared with other towns.

Councilor Brennan stated as a University employee, he had seen student life change in the last decade and living on-campus was considered to be more desirable. Bed capacity had grown and that was a tribute to the leadership of the University. He reminded the Council that the community was being positively impacted by the University of Vermont.

Councilors Shannon and Berezniak made a motion to extend the discussion for an additional 5 minutes. The motion passed by a vote of 12-2 with Councilors Brennan and Kranichfeld voting against.

Councilor Berezniak stated many students lived in Ward 2 and most noise complaints stemmed from students walking to social activities downtown late at night. Since the University did not allow drinking, students were forced to go downtown. He suggested that changing this could be a short term solution. Further, he believed the University should provide more entertainment on campus.

Councilor Paul agreed that UVM brought many positives to the community and appreciated her working relationship with staff at UVM. She then stated that neighbors believed that closing Davis Road to all but emergency vehicles would make a huge difference. People were constantly going the wrong way on that street. Redstone campus, being closer to neighbors, had become a problem. While private security was helpful, she believed it would be better if they were law enforcement officers. Finally, she requested that when students moved into Redstone, a lease clause should be added regarding noise and vandalism so they could be dealt with more swiftly.

Mayor Kiss stated the City was working well with the University and felt the University had upheld their side of the agreement. He explained that law enforcement did work in the university area and there had been many tickets for underage drinking. Even normal speech level after a certain area sounded too loud in a neighborhood. He reminded the Councilors that Champlain College, being a part of the neighborhood mix, had committed to moving 1,000 students on campus. Finally, he noted it was not always students who were making noise, but sometimes other young people.

Mr. Cate stated it would never be possible to keep 10,000 undergraduates on campus. Students would always go want to go downtown. He agreed these issues needed to be addressed but housing on campus is not the only single answer.

Without objection, City Council President Keogh made a motion to waive, the reading, accept the communication and place it on file.

6. **RESOLUTION:** Approval of Contracts with Vendors for Installation and Implementation of Burlington Electric Department's Advanced Metering Infrastructure Deployment Plan (Board of Finance)

Councilors Paul and Mulvaney-Stanak made a motion to waive the reading and adopt the resolution.

Attorney William Ellis and Ken Nolan from Burlington Electric were present to respond to questions. Councilor Bushor inquired about the BED meter staff installing new meters and the cost. She inquired if there would be money spent in the future that was not addressed in the resolution. Ken Nolan, BED, stated existing staff would install the meters and the money from that would come from the operating budget.

Mr. Nolan stated Burlington received a Department of Energy grant and BED contributed \$7.1 million which was a 50% match to the grant. BED's portion would be paid through a bond that was approved by voters in June. BED had been working with vendors through RFP processes. Itron was selected for the meters, with E-meter and Siemens Energy being chosen for the meter data management system and Aclara was chosen for the web presentment tool. These vendors were being lined up to execute contracts as soon as the bond funds became available.

Councilor Dober inquired how the data would be used and what programs would be offered to rate payers. Mr. Nolan noted this would be a multi-year process. He explained that first the meters would be installed throughout 2012. Customers would first see the web presentment tool in March or April. At the end of the year, there would be new rates, which would require Public Service Board approval. Customers would be able to see when they are using energy, the rate at that time, and would be able to benefit financially from shifting their usage to times with lower rates. After 2013, appliances would come out that include smart chips in them which will allow the utility to turn appliances off. There would be incentives offered for customers to allow this. The data would become available to customers and it would help BED understand usage and improve energy efficiency. Councilor Dober appreciated the answer and stated Burlington Electric should explain the value further because many residents believed it was an example of "big brother".

The motion passed unanimously.

- 6.01. COMMUNICATION: Ken Nolan, Manager of Power Resources, Burlington Electric Department, re: **BED Smart Grid Project Vendor Selections and Costs**

Councilors Paul and Mulvaney-Stanak made a motion to accept the communication and place it on file. The motion passed unanimously.

7. RESOLUTION: Award Proposal and Authorize an Agreement with New World Systems For the Procurement of a Integrated Financial and Human Resources Management System (Board of Finance)

Councilors Wright and Paul made a motion to waive the reading and adopt the resolution.

Interim CAO Schrader stated this proposal would authorize an agreement with New World Systems, the recommended vendor for a new financial and human resources software system. There were four responses, with one of them being incomplete. The review process narrowed the choices down to two and then one was selected. The cost for this would be \$600,000. The project would take 18 months to fully implement and would replace 80% of the software used today. Interim CAO Schrader explained that currently there were numerous disparate systems which resulted in additional work and was inefficient. This would provide better service at a lower price and potential position eliminations.

Councilor Decelles inquired if the \$600,000 was being paid from the General Fund. Interim CAO Schrader stated it was currently being paid through the General Fund but the majority could be paid through the Master Lease program. Councilor Decelles inquired about the time frame the money was being spent over. Interim CAO Schrader stated the \$600,000 was for the 18 month period and there would be an \$81,000 maintenance fee that would be included in future budgets. Councilor Decelles inquired how old the current software was. Interim CAO Schrader stated it had been implemented seven years ago but the software was much older. Councilor Decelles requested an estimate of long term savings. Interim CAO Schrader stated it was hard to project but eliminating the four other license agreements would save \$25,000 a year. Councilor Decelles inquired if the savings would pay for the software. Interim CAO Schrader stated through savings and cost avoidance it would.

Councilor Brennan inquired if the citizens of Burlington would see differences in the administration of services. Interim CAO Schrader stated staff would explore online and credit card payments with the software company. There would also be benefits for internal payment processing to vendors due to the fact that turnaround time would be reduced.

Councilor Dober stated that last year the Human Resources Director had informed him of an employee that no longer worked in Burlington but the cost of their insurance was covered for the better part of a year. He believed this change would help prevent things like that from happening in the future. He inquired what the 20% of software that was not being replaced was. Interim CAO Schrader stated the AMANDA system which handled community development, permitting and code enforcement would not be replaced. Utility billing, particularly Water and Wastewater, would also stay the same because that system was specifically designed for utilities. The School District and BED would also not utilize this system. The School Department had different accounts and BED had a unique billing component. Councilor Dober inquired about Burlington Telecom. Interim CAO Schrader stated BT's billing was currently contracted out and was too complicated for a municipality to handle. As far as financial reporting went, the design was to have this system replace all other reporting systems to provide a better budget product and reporting.

The motion passed unanimously.

8. RESOLUTION: Diversity and Equity (Councilors Paul, Brennan, Mulvaney-Stanak, Berezniak)

Councilors Paul and Berezniak made a motion to waive the reading and adopt the resolution.

Councilor Paul stated this resolution supported equity and diversity in Burlington and expressed to the community that the City Council recognized the value of each person and the importance of mutual respect. She thanked Councilors Mulvaney-Stanak, Berezniak and Brennan for their contributions to the resolution after attending the diversity retreat in May. She also thanked Wanda Hines of CEDO.

Councilor Mulvaney-Stanak stated the resolution brought attention to issues of diversity and acknowledged the goals of the Social Equity project. She noted the importance of the schools as a point within the community where a variety of faces come together. It also recognized the oversight body that had worked on the strategic plan.

Councilor Bushor noted that the last action clause stated there needed to be an oversight body and inquired who would be responsible for this. Councilor Berezniak stated the Council would play a role in the formation of the body. Wanda Hines, CEDO, stated the oversight body would initially consist of those chosen at the end of the diversity retreat. They would reconvene and invite other important parties. Councilor Bushor requested they return to the Council with a recommendation.

Councilor Berezniak stated more work needed to be done to be inclusive and thanked Wanda and the Councilors.

Councilor Hartnett stated a lot of hard work had been put into this and stated the focus needed to be on the Schools.

Councilor Shannon made a motion to continue the discussion for five more minutes. The motion passed unanimously.

Councilor Decelles stated the resolution drew attention to color and hoped that in the future this would not be necessary. Ms. Hines stated it should not be about race but about creating opportunities and allowing equitable access.

Councilor Berezniak stated the Council would oversee the oversight body but not decide who was on this body.

Councilor Wright thanked Ms. Hines for her work. He stated he would have loved to co-sponsor the resolution and thanked those that did co-sponsor it.

Councilor Dober stated it was great to have this as a resolution but action was much more important. He stated the Council should support the Committee but not directly oversee it.

Mayor Kiss stated this resolution was important for the community. Organizationally this would come under CEDO and the sixteen people who came out of the retreat should be the first to serve on the Committee.

The motion then passed unanimously.

9. RESOLUTION: Development Permitting Review and Performance Audit (Councilors Wright, Paul)

Councilors Wright and Decelles made a motion to waive the reading and adopt the resolution.

Councilor Wright stated this combined two resolutions that dealt with this issue. Homeowners trying to do simple projects, such as adding a deck or new windows, found the process difficult and believed surrounding towns had systems that were easier to use. This resolution called for a review of the processes in the surrounding towns in order to find ways to improve our system.

Councilor Paul stated this would evaluate the City's permitting process and make the system more open to residents. She noted that everyone had heard stories from homeowners and developers about the difficulties in the process and asked for it to be more accessible. She stated this would allow an independent party to conduct a review audit to speak with developers and homeowners about their experiences with the process. She added that this would address issues from the open government report.

Councilor Wright suggested the Council deal with amendments to the resolution before discussion took place. City Council President Keogh accepted this suggestion.

Councilor Shannon stated that as a realtor she had heard stories about issues of replacing hot water tanks and furnaces, reiterating her belief that the cost to a homeowner was higher in Burlington than neighboring towns. She proposed an amendment and read it. Councilors Wright and Paul accepted the amendment as friendly.

City Attorney Schatz stated the amendment applied to Building and Inspection services which were under the purview of the Department of Public Works. If the Council added this, they should consider whether they wanted a report back from DPW or just Planning and Zoning. Councilor Wright stated they would be working collaboratively with Public Works and he considered this to be adequate. Councilor Shannon requested a report back from Public Works.

Councilor Wright proposed an amendment to add to the resolution: be it further resolved that the Clerk's Office was directed to send a copy of the resolution to all department heads addressed in the resolution. He also proposed an amendment to ensure that all work that could be done in-house by Planning and Zoning should be, in order to minimize the cost of a third party service. The amendment was considered friendly.

Councilor Hartnett proposed an amendment to add a public hearing to get the public's input on these changes. Councilors Wright and Paul accepted the amendment as friendly.

City Attorney Schatz stated all references were to the Department of Public Works and not Planning and Zoning and inquired if they would like to include Planning and Zoning. Councilor Hartnett made an amendment accordingly. Councilors Paul and Wright accepted the amendment as friendly.

Councilor Bushor stated she was in favor of the resolution and inquired if the report that was due back in January should just be in regards to the scope of work and the budget, not the whole process. She also stated the permitting process could be improved but Burlington did a good job fitting new development into existing developments.

Mayor Kiss stated he did not support the resolution because people were going to be unhappy when things did not go in their favor throughout the process. Responses might not be very good and an empirical study would be a better approach.

Councilor Dober stated the Mayor was out of touch with the community and there was value in getting best practices from other communities. There were real problems in the community and this was something that constituents talk about frequently. He stated he supported the resolution.

Councilor Wright stated the resolution did not need to be changed but thanked Councilor Bushor for her clarifying comments. He added that the resolution would keep Burlington's unique needs in mind.

Councilor Mulvaney-Stanak stated it was unnecessary to criticize the Mayor and there had been a lot of history in zoning and there were larger projects to be mindful of.

Councilor Shannon noted in the zoning rewrite process a tool to address this was during the record review, a process which put citizens at a disadvantage to developers. The permit process had room to improve to be easier for developers and homeowners. There was also room for improvements in equality. Developers felt there was a lot of work that went into the process and it was unclear what Burlington wanted to see.

Councilors Brennan and Mulvaney-Stanak made a motion to table the resolution. The motion failed by a vote of 12-2.

Councilor Paul stated this merged two resolutions and the Planning and Zoning Director actually drafted this and was in favor of the resolution. He would find a way to pay for the cost of the audit.

Councilor Decelles shared an anecdote from a friend who went to the Planning and Zoning Office before putting a small deck on his mother's house. It cost more in permitting than the materials did. The friend lived in Shelburne and it was easier and inexpensive to get the permit to expand his own deck. This would make things easier for residents.

Councilors Decelles and Dober made a motion to call the question. The motion passed unanimously.

The motion passed by a vote of 13-1 with Councilor Brennan voting against.

10. RESOLUTION: Party Designation in Local Elections (Councilors Hartnett, Wright)

Councilors Hartnett and Decelles made a motion to waive the reading and adopt the resolution.

Councilor Hartnett stated the resolution requested this issue be considered by committee. When he was campaigning in the fall he found it interesting to hear people's comments when talking about party affiliation. Party politics have played a role in City government that was not productive. No other towns had party affiliation for local government. The concerns of Burlington should be ahead of party concerns. There was also no purpose in using party affiliation for Commission appointments.

Councilor Blais spoke against the resolution stating prohibiting party designation for anyone running for office would be a first amendment violation. It would also limit information available to voters.

Councilor Kranichfeld spoke against the resolution stating that party affiliation provided a broad framework for candidates' values but did not dictate their actions. He added that it was not a requirement for a candidate to join a political party and running as an independent was an option. This information should be available to voters.

Councilor Bushor stated she was unsure what the impact of this would be on candidates in terms of caucuses and financial support from parties. She stated that Councilors identified with certain platforms and this would help voters decide who would best represent them if they were not as familiar with the candidates. She stated this would just mask party affiliation.

Councilor Wright spoke in favor of the resolution stating other towns had implemented this and School Board elections did not have party designation. This was worth going forward to Charter Change Commission to discuss and examine the issue.

Councilor Decelles stated he was in favor of the resolution after having experienced voters wanting to shut him down after hearing he was a Republican. In the past there had been examples of people voting straight down party lines without really knowing the candidates. This could be a fix over time to help voters select the most highly qualified people for office.

Councilor Mulvaney-Stanak stated parties provide useful information for voters. With the caucus system candidates have to go through a process. Their party affiliation represented some principles that would give voters guidance about the candidates. She also stated there would be many candidates in elections that would be difficult to choose between. Having the party affiliation noted would help voters weed out candidates and could help people new to politics be noticed if they had not been around for many years.

Councilor Shannon spoke against the resolution stating people had made some good points. Voters were allowed to say they do not vote for a certain party. She stated she had received support from voters with a different party affiliation because they felt she best represented them. Party affiliation did not prevent voters from getting to know the candidate.

Councilor Adrian stated parties made running for office much easier and it took a great deal of organization to run for office without the support of a party.

Councilors Dober and Berezniak made a motion to call the question. The motion failed by a vote of 8-6.

Councilor Hartnett stated the system worked well in other towns throughout the state and Burlington should not be afraid to change. He stated that parties affected Councilors' decision making at some point.

Councilor Wright stated there were pros and cons but it should be looked at in Committee. He added that the Hatch Act stated if you did not have a party designation it would open up the possibility of other people running who would otherwise not be able to.

Councilor Decelles stated the Charter Change Committee had not yet met this year. Councilor Adrian stated this was not true.

Councilor Paul stated that running as an Independent was not an opportunity to hide and she did not feel she was part of a problem. Running as an Independent was much harder than running with a party. Councilor Hartnett stated that he expected that Councilor Paul worked hard when she ran as a Republican, Democrat and Independent at different times. Councilor Paul stated she ran as a Republican twelve years ago and had run as an Independent twice.

The motion failed by a vote of 8-6.

AYES: Councilors Bushor, Decelles, Dober, Hartnett, Paul and Wright

NAYS: City Council President Keogh, Councilors Adrian, Berezniak, Blais, Brennan, Kranichfeld, Mulvaney-Stanak and Shannon

Councilor Adrian departed at 9:47 p.m.

10.5. RESOLUTION: Authorization for Execution of Collective Bargaining Agreement
Between the City of Burlington and Burlington Firefighters' Association,
Local 3044 International Association of Firefighters (Board of Finance)

Councilors Berezniak and Bushor made a motion to waive the reading and adopt the resolution.

City Attorney Schatz stated this would be a five year agreement with provisions for cost of living adjustments and changes to the retirement system and operational matters.

Councilor Bushor stated she was satisfied and appreciative that firefighters recognized the financial constraints of the City and the need to meet in the middle. She stated she wanted to be fair and value employees.

Councilor Hartnett stated he appreciated the hard work and hoped that in future negotiations all employees would be paid bi-weekly. It was unfair to have different groups on different systems.

Councilor Mulvaney-Stanak stated this contract would be retroactive to July 1, 2009. This had taken over two years to negotiate and it would be preferable to shorten that period because it cost a lot of money to hire attorneys to go through this process.

Councilor Wright stated negotiations were difficult and stated the City valued Fire, Police and all City employees. Fire Chief Lasker stated the firefighters recognized this.

The motion passed unanimously.

11. COMMITTEE REPORTS

Councilor Shannon stated the Ordinance Committee met and discussed several Zoning Ordinances that would be coming forward. There would be an update regarding the dog ordinance and Parks and Recreation had laid out a process for evaluating the dog parks. There had been some issues with implementing the new Taxi Ordinance and the Taxi License Committee had recommended some changes that would require tweaking the ordinance. They would discuss the Retirement Ordinance and were waiting on a report from the Downtown Smoking Committee.

Councilor Wright stated the Transportation, Energy and Utilities Committee met and heard about the Colchester Corridor issue and the 25 mph speed limit issue. That issue was brought forth from DPW. The Committee would meet again to discuss a TIGER Grant and the Bike Path.

Councilor Kranichfeld stated the Public Safety Committee met and discussed the fluoride issue. In February, the Committee met and heard testimony and reported that the Department of Public Works lowered the level of fluoride. The Committee summarized the issue and the Council would need to determine if this met the original charge of the Council to the Public Safety Committee. He added that they discussed the issue of expanding trespassing rules from City Hall Park to the whole Marketplace. It

was unclear whether the Ordinance or Charter Change Committee should look at this matter. The City Attorney's Office would determine who to refer this to.

12. COMMUNICATION: City Councilors, re: General City Affairs

Councilor Bushor stated she meant to address the fluoride issue when she saw it on the consent agenda. When this came forward in the past, it seemed to be linked to bone diseases and had health impacts. The public was looking for recommendations and she felt the Committee should take the issue further.

Councilor Brennan stated he was currently on a School District Task Force regarding Diversity, Equity and Inclusion and would be delivering a report to the School District. They focused on Leadership and Human Resources and would need to work to provide equal opportunities for everyone. He added that for the execution of Troy Davis there was an assembly of people at City Hall and appreciated the police handling of the assembly.

Councilor Berezniak stated he thought people would like a recommendation on the fluoride issue.

Councilor Hartnett stated he would like to know what the status of paving on North Avenue was. He requested that Mari Steinbach, Director of Parks and Recreation, come to the Council to discuss Pennies for Parks at the next City Council Meeting.

Councilor Shannon requested an update on the bike path and how FEMA funding would affect this. She also requested an update on the Southern Connector. She stated she would like to have a recommendation on the fluoride issue. She also thought the Public Safety Committee should consider more current information.

Councilor Wright stated FEMA gave the Board of Finance an update and they would bring it to the full Council. The Bike Path Task Force would also have a report soon.

Councilor Paul stated the Parks, Arts and Culture Committee met and received a development agreement with Ice Factor. There had been discussion regarding Pennies for Parks and it would be represented in the minutes. There was some money that had not yet been spent and she would like further explanation as to where that money was going. She apologized for allowing an issue to get out of hand earlier in the meeting but felt personally attacked. She noted that Councilors work very hard to serve the constituents of Burlington.

13. COMMUNICATION: Mayor Kiss, re: General City Affairs

Mayor Kiss stated the Champlain Housing Trust celebrated the sale of its 500th home. There were 1,500 rental units and 500 homes. CHT was a model for other land trusts across the country and had received awards from the United Nations and HUD.

Panera Bread opened in Burlington today, its 1,518th store in the country. There was once an 11% vacancy rate on the Marketplace and it was now down to 6%.

The Mayor reported that tomorrow there would be a public process regarding priorities for CDBG. There were potentially shrinking resources and the City may need to look at its uses more closely. CDBG has been very successful across the country.

He stated the Administration was working with the Airport and DPW on the parking garage issue to find a solution that was good for the entire City.

14. ADJOURNMENT

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, SEPTEMBER 26, 2011
10:10 P.M.

PRESENT: see above

1. AGENDA

On a motion by Councilors Paul and Shannon, the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Councilors Bushor and Shannon, the consent agenda was adopted thus taking the following actions as indicated:

2.01. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City
Commissions/Boards

*waive the reading, accept the communication and place it on file

3. APPOINTMENT: Parks and Recreation Commission (Term expires 6/30/13)

Councilor Wright nominated John Bossange.

Councilor Wright stated Mr. Bossange brought experience to the commission. He was currently the chair of the Bike Path Taskforce and would be a great asset to the Parks Commission.

Councilor Berezniak nominated Chase Rosenberg. He stated Mr. Rosenberg had been dedicated to the parks and was willing to work with the committee. Mr. Rosenberg planned to apply again if he was not appointed this time.

Councilor Decelles nominated Steve Schifilitti. He stated Mr. Schifilitti had been dedicated to the City for 40 years and had worked with many departments, especially Parks and Recreation.

John Bossange was appointed to the Parks and Recreation Commission with 10 votes.

4. ADJOURNMENT

On a motion by Councilors Wright and Paul, the City Council with Mayor Presiding Meeting voted unanimously to adjourn at 10:13 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary